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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No.3314 of 2007

Petitioners

1. Herman Tirkey, aged about 51 years, son of Late Augustus Tirkey, Head Master, Bharat Mata Middle School, Banea, District Ambikapur (C.G.)
2. Domnic Kujur aged about 53 years, son of Shri Soma Oscar Kujur, Assistant Teacher, Bharat Mata Middle School, Banea, District Ambikapur (C.G.)
3. Smt. Neel Kusum Kerketta, aged about 39 years, wife of Shri Bhalerius Kerketta, Assistant Teacher, Bharat Mata Middle School, Banea, District Ambikapur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, through Secretary, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G)
2. Commissioner, Tribal Welfare Department, District Ambikapur (C.G)
3. Catholic Sansthan Surguja, Dakkin Parikshetra, through Nirdeshak, Bishop's House, Ambikapur (C.G)

(Writ Petition under Article 226 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri Anupum Dubey, counsel for the petitioners.
Shri Anju Ahuja, Dy. Govt. Advocate for the State.

ORDER
(Passed on 25th June, 2007)

Learned counsel appearing for the petitioners No. 1, 2 & 3 who are Head Master, Assistant Teacher & Assistant Teacher respectively, working in the Bharat Mata Middle School, Banea, District Ambikapur, submits that the petitioners school is fully aided school as is clear from the circular dated 20.09.2005 (Annexure P-3). The petitioners are

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entitled to the benefit of the recommendations of the Vth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

2. Learned counsel appearing for the petitioners, further submits that the petitioners No. 1, 2 & 3 who are Head Master, Assistant Teacher & Assistant Teacher respectively, of the Government aided institution, they are entitled to the benefit flowing from the judgment and order dated 06.02.2006 passed by this Court in W.P. No.2651 of 2006 **(B.D.Dwivedi & others Versus State of Chhattisgarh & others).**

3. In view of that this petition is disposed of in the same terms and conditions as per the order dated 06.02.2006 passed in W.P. No.2651 of 2006 **(B.D.Dwivedi & others Versus State of Chhattisgarh & others).** The respondents/Authorities are free to examine the facts with regard to the status of the Bharat Mata Middle School, Banea, District Ambikapur and that of the petitioners, in respect of the facts that the said school and the petitioners/teachers are government aided.

Sd/-
Satish K. Agnihotri
Judge

Indu